

FILED

NOV - 8 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 BINGHAM McCUTCHEN LLP
2 DAVID M. BALABANIAN (SBN 37368)
3 CHRISTOPHER B. HOCKETT (SBN 121539)
4 JOY K. FUYUNO (SBN 193890)
5 Three Embarcadero Center
6 San Francisco, CA 94111-4067
7 Telephone: (415) 393-2000
8 Facsimile: (415) 393-2286
9
10 Attorneys for Defendant
11 Intel Corporation

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION
17

18 MICHAEL BRAUCH, a resident of San
19 Francisco, and ANDREW MEIMES, a resident
20 of New York, on behalf of themselves and all
21 others similarly situated,

22 Plaintiffs,

23 v.

24 INTEL CORPORATION, a Delaware
25 corporation,

26 Defendant.

No. C-05-2743-MHP

**STIPULATION AND [PROPOSED]
ORDER TO STAY DATES, EVENTS
AND DEADLINES PENDING THE
OUTCOME OF THE MOTION TO
TRANSFER AND COORDINATE OR
CONSOLIDATE PURSUANT TO
28 U.S.C. § 1407**

27 WHEREAS, on July 5, 2005, Plaintiffs filed the instant action in the Northern
28 District of California ("Brauch Action");

29 WHEREAS, on or about July 11, 2005, Plaintiffs moved before the Judicial Panel
30 on Multi-District Litigation ("MDL") to transfer and coordinate or consolidate for pre-trial
31 proceedings pursuant to 28 U.S.C. § 407 ("MDL Motion");

1 WHEREAS, on or about July 27, 2005, Judge Patel issued a Related Case Order
2 relating this case to an earlier filed case assigned to her, and canceling or staying certain but not
3 all dates, events and deadlines in the action;

4 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

5 WHEREAS, the outcome of the MDL Motion will impact significantly the
6 schedule of this case;

7 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,
8 by and among counsel for Brauch Plaintiffs and counsel for Defendant Intel Corporation, that
9 any events, dates or deadlines set by the Local Rules or Federal Rules of Civil Procedure,
10 including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal
11 Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order
12 applicable to this case should be stayed pending the outcome of the aforementioned MDL
13 Motion; and

14 IT IS FURTHER STIPULATED by the aforementioned parties that if a case
15 management conference is rescheduled by the Court, the parties shall adjust the dates for any
16 conference, disclosures or reports required by the Local Rules or Federal Rules of Civil
17 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26
18 accordingly.

19 IT IS HEREBY STIPULATED.

20 Dated: October 31, 2005

THE FURTH FIRM LLP

21 LAW OFFICES OF FRANCIS O.
22 SCARPULLA

23 ZELLE, HOFFMANN, VOELBEL, MASON
24 & GETTE LLP

25 By: /s/ Alex C. Turan
26 Alex C. Turan
Attorneys for Plaintiffs
Michael Brauch and Andrew Meimes

1 Dated: October 31, 2005

BINGHAM McCUTCHEN LLP

3 By: /s/ Joy K. Fuyuno
4 Joy K. Fuyuno
5 Attorneys for Defendant
6 Intel Corporation

7 **[PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES**
8 **PENDING THE OUTCOME OF THE MDL MOTION**

9 Any events, dates or deadlines set by the Local Rules or Federal Rules of Civil
10 Procedure, including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules")
11 and Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case
12 management order applicable to this case are hereby stayed pending the outcome of the motion
13 to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion").

14 Upon the determination of the MDL Motion, if it is necessary for the Court to
15 reschedule a case management conference, the parties shall adjust the dates for any conference,
16 disclosures or reports required by the ADR Local Rules and Federal Rules of Civil Procedure 16
17 and 26 accordingly.

18 The parties shall notify the Clerk of Court within 10 days of the decision on the
19 MDL Motion.

20 **IT IS SO ORDERED.**

21 Dated: 11/7/05

22 
23 Honorable Marilyn H. Patel
24 United States District Court Judge
25
26